

Message

From: Ayres, Sara [Ayres.Sara@epa.gov]
Sent: 6/12/2018 1:31:25 PM
To: Dykes, Teresa [Dykes.Teresa@epa.gov]; Fried, Gregory [Fried.Gregory@epa.gov]
CC: Lischinsky, Robert [Lischinsky.Robert@epa.gov]
Subject: FW: MM2A ADs - Draft Guidance for Incorporating 2018 Wehrum Reclassification Memorandum in Applicability Determinations
Attachments: Draft Guidance for Incorporating 2018 Wehrum Reclassification Memorandum in Applicability Determinations FNL (002) RL Comments.docx

Terri and Greg,

Rob asked me to forward this to you guys for review. OAR wants to send this guidance to the regions and thinks that it should potentially come from OECA. Let me know if we need a call or something to discuss. Thanks.

Sara Ayres
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(312) 353-6266

From: Lischinsky, Robert
Sent: Monday, June 11, 2018 8:41 AM
To: Ayres, Sara <Ayres.Sara@epa.gov>; Mia, Marcia <Mia.Marcia@epa.gov>
Subject: RE: MM2A ADs - Draft Guidance for Incorporating 2018 Wehrum Reclassification Memorandum in Applicability Determinations

In reading through the document, it is clear that this is OAQPS guidance. It would seem they simply are asking us to distribute to our regional contacts involved in the AD development process. So, I don't think it would be necessary for Martha to send. The guidance could be forwarded in an e-mail by the AED or MAMPD Air Branch Chief (preferably AED) to the AEMs. Subsequently, Maria could forward that e-mail (without any substantive introduction) to her regional AD contacts.

Attached is the guidance with suggested edits.

From: Lischinsky, Robert
Sent: Thursday, June 07, 2018 7:19 PM
To: Ayres, Sara <Ayres.Sara@epa.gov>; Mia, Marcia <Mia.Marcia@epa.gov>
Subject: RE: MM2A ADs - Draft Guidance for Incorporating 2018 Wehrum Reclassification Memorandum in Applicability Determinations

Please send to AED since it would be good if we could hear their initial response before meeting with Martha/Rick.

And just to confirm, this guidance would be issued/signed under signature of OAR. OECA is simply distributing it to the Regions because of the current process in developing ADs and our role in working with the regions in drafting/issuing the ADs?

From: Ayres, Sara
Sent: Thursday, June 07, 2018 5:30 PM
To: Lischinsky, Robert <Lischinsky.Robert@epa.gov>; Mia, Marcia <Mia.Marcia@epa.gov>

Subject: RE: MM2A ADs - Draft Guidance for Incorporating 2018 Wehrum Reclassification Memorandum in Applicability Determinations

OAR didn't have much input on who the memo should be to or from, so I think we have opportunity to comment and provide our input on the memo. I did provide some comments at the staff level, but I think they would understand that if OECA management is going to be sending the memo, they would need opportunity to review. I believe the next Lean Team meeting is 6/19 if we want to raise the memo there. I'll set something up for us to brief Martha/Rick, do you want me to run the current memo by AED now, or do you want to suggest some edits first? Thanks.

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From: Lischinsky, Robert
Sent: Thursday, June 7, 2018 4:24 PM
To: Ayres, Sara <Ayres.Sara@epa.gov>; Mia, Marcia <Mia.Marcia@epa.gov>
Subject: RE: MM2A ADs - Draft Guidance for Incorporating 2018 Wehrum Reclassification Memorandum in Applicability Determinations

If the guidance were to come from OECA, my initial thought is that it would go from Martha to the AEMs.

However, we will need to meet with Martha/Rick to discuss who in turn will want to raise with David who in turn may want to raise with Susan. Also, AED should have an opportunity to review.

From the e-mail chain below, it looks like you have already provided comment.. Is there an opportunity to provide additional comment? Martha and/or David may have revisions (especially if we are tasked with distributing the guidance). For example, do we want to say in the first sentence that the regional offices "*have the lead in developing responses*" (inferring that they develop all of them) or revise to state that the Regions have primary responsibility and issue the majority of determinations. As you know, we have a draft tiering plan that discusses when a region will handle an AD and when OECA will.

We will need to schedule time with Martha and Rick to discuss. Should try for Monday or Tuesday so we could then raise with David at next week's MAMPD Weekly which is scheduled for Wednesday.

Also, the guidance provides a new step in the AD development process – reaching out to OAQPS when needing to insert the new language but having to tweak it. This will need to be discussed with the Lean workgroup.

From: Ayres, Sara
Sent: Thursday, June 07, 2018 1:57 PM
To: Lischinsky, Robert <Lischinsky.Robert@epa.gov>; Mia, Marcia <Mia.Marcia@epa.gov>
Subject: FW: MM2A ADs - Draft Guidance for Incorporating 2018 Wehrum Reclassification Memorandum in Applicability Determinations

See the attached guidance on the Wehrum memo. As you can see in the note below, OAR thinks this should come from OECA to the Regions. If we agree, who do you think in OECA should send it out? I'm trying to get more clarity on what level within the regions they think it should go to. One similar project I've worked on was the memo Ed sent to the AEMs about responding to RICE compliance extension requests where the compliance date has passed but the unit is not yet out of compliance. So, maybe from Martha to the AEM's? Let me know what you think.

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From: Dalcher, Debra
Sent: Thursday, June 7, 2018 12:46 PM
To: Ayres, Sara <Ayres.Sara@epa.gov>
Cc: Torres, Elineth <Torres.Elineth@epa.gov>; Dalcher, Debra <dalcher.debra@epa.gov>
Subject: RE: MM2A ADs - Draft Guidance for Incorporating 2018 Wehrum Reclassification Memorandum in Applicability Determinations

Sara, the draft guidance we have been working on has been vetted by all relevant parties including Sonja and Scott. We have been mulling the best way to distribute the guidance to the Regional Offices. We think the best way may be for OECA, with their role in applicability determinations, to distribute the guidance to the ROs. We would like to announce the guidance's availability during the APM meeting (during Elineth's presentation next week) and then have it sent out. Would you be willing to make the distribution as a follow-up to the meeting? If you have other ideas on the best way to communicate this guidance out, please let me know.

Thank you so much.

Attached is the final version of the guidance.

From: Dalcher, Debra
Sent: Tuesday, May 22, 2018 4:58 PM
To: Jordan, Scott <Jordan.Scott@epa.gov>; Lamason, Bill <Lamason.Bill@epa.gov>; Rodman, Sonja <Rodman.Sonja@epa.gov>
Cc: Torres, Elineth <Torres.Elineth@epa.gov>
Subject: RE: MM2A ADs - Draft Guidance for Incorporating 2018 Wehrum Reclassification Memorandum in Applicability Determinations

All,

I have incorporated Sonja and Sara edits. OECA recommended one change in the first sentence (see below).

Bill, we are ready to show this to Penny – all reviews complete. We can ask how to distribute to the Regional Offices.

Debra,

My only comment is on the first sentence of the guidance. A State cannot submit an applicability determination request to EPA. It has to be submitted by a source and it is a site-specific response. If a State asks us a general question about how applicability would apply under a certain rule, any response from EPA would be considered a Regulatory Interpretation.

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From: Dalcher, Debra

Sent: Tuesday, May 22, 2018 12:03 PM

To: Jordan, Scott <Jordan.Scott@epa.gov>; Lamason, Bill <Lamason.Bill@epa.gov>; Rodman, Sonja <Rodman.Sonja@epa.gov>

Cc: Torres, Elineth <Torres.Elineth@epa.gov>

Subject: RE: MM2A ADs - Draft Guidance for Incorporating 2018 Wehrum Reclassification Memorandum in Applicability Determinations

Hi Scott, I don't anticipate a lot more changes. Here is the link for Sonja.

https://usepa.sharepoint.com/:w:/r/sites/OAR_Custom/PSG/OIAI%20Policy/Applicability%20Determinations/Draft%20Guidance%20for%20Incorporating%202018%20Wehrum%20Reclassification%20Memorandum%20in%20Applicability%20Determinations.docx?d=wddb3ab0206f845eab3aa2407eb9f9565&csf=1&e=UUrWqK

Thank you, Debra

From: Jordan, Scott

Sent: Tuesday, May 22, 2018 12:00 PM

To: Dalcher, Debra <dalcher.debra@epa.gov>; Lamason, Bill <Lamason.Bill@epa.gov>; Torres, Elineth <Torres.Elineth@epa.gov>

Cc: Rodman, Sonja <Rodman.Sonja@epa.gov>

Subject: Re: MM2A ADs - Draft Guidance for Incorporating 2018 Wehrum Reclassification Memorandum in Applicability Determinations

Debra - I would like Sonja to have the opportunity to review this (and it is only 2 pages). Do you expect there to be significant changes over the next day or two? If so, let's hold until those changes are made. If not, can you send Sonja the link? (I don't know if I can just forward this email to Sonja with the sharepoint link below, or if the link has to come from you.)

Thanks,

Scott Jordan

Air and Radiation Law Office

Office of General Counsel

202-564-7508

From: Dalcher, Debra

Sent: Tuesday, May 22, 2018 11:48 AM

To: Jordan, Scott; Lamason, Bill; Torres, Elineth

Subject: RE: MM2A ADs - Draft Guidance for Incorporating 2018 Wehrum Reclassification Memorandum in Applicability Determinations

Bill,

Scott provided some great edits to this document. It is ready for your review. I would like to get this out to the Regions sooner vs. later and want to keep this moving. We should also provide this to our staff so they know what to look for just in case someone doesn't include us in the review process.

https://usepa.sharepoint.com/:w:/r/sites/OAR_Custom/PSG/OIAI%20Policy/Applicability%20Determinations/Draft%20Guidance%20for%20Incorporating%202018%20Wehrum%20Reclassification%20Memorandum%20in%20Applicability%20Determinations.docx?d=wddb3ab0206f845eab3aa2407eb9f9565&csf=1&e=q4aKPY

Scott,

Do you think Sonja would like to review this? We will be providing you with an update on our Region 6 meeting (2 – ADs pending) in our CORE team meeting tomorrow.

Elineth,

We can mention this to Penny and see how she wants us to share this with the Regional Offices tomorrow.

Thank you, Debra

From: Jordan, Scott

Sent: Tuesday, May 22, 2018 11:03 AM

To: Lamason, Bill <Lamason.Bill@epa.gov>; Dalcher, Debra <dalcher.debra@epa.gov>

Subject: MM2A ADs - Draft Guidance for Incorporating 2018 Wehrum Reclassification Memorandum in Applicability Determinations

I have marked some suggested edits and comments in the document in sharepoint.

For my own benefit (in case I want to see this version after we make further edits in the sharepoint document), I have attached the current version with my comments. (To be clear, the attached document is the version that was in sharepoint as of a few minutes ago.)

Scott Jordan

Air and Radiation Law Office

Office of General Counsel

202-564-7508

From: Dalcher, Debra <no-reply@sharepointonline.com>

Sent: Tuesday, May 22, 2018 10:22 AM

To: Jordan, Scott; Lamason, Bill

Cc: Dalcher, Debra

Subject: Dalcher, Debra has shared 'Draft Guidance for Incorporating 2018 Wehrum Reclassification Memorandum in Applicability Determinations'

Please review. Thanks, Debra

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